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In re Application of YOKOYAMA et al	:	
U.S. Application No.: 10/542,358	:	
PCT Application No.: PCT/JP03/16579	:	DECISION
Int. Filing Date: 24 December 2003	:	
Priority Date Claimed: 17 January 2003	:	
Attorney Docket No.: 273117US0PCT	:	
For: COMPOSITION FOR FORMING A	:	
SILICON-ALUMINUM FILM. . .	:	

This is in response to the papers filed 14 July 2005, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 24 December 2003, applicant filed international application PCT/JP03/16579, which claimed priority of an earlier Japan application filed 17 January 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 05 August 2004. The thirty-month period for paying the basic national fee in the United States expired on 17 July 2005.

On 14 July 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

DISCUSSION

The declaration filed 14 July 2005 states that joint inventor Yasuaki Yokoyama is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

In the present case, the declaration meets the requirements of 37 CFR 1.497(b)(2). However, the declaration does not satisfy 37 CFR 1.69(b).

37 CFR 1.69(b) states,

Unless the text of any oath or declaration in a language other than English is in a form provided by the Patent and Trademark Office or in accordance with PCT Rule 4.17(iv), it must be accompanied by an English translation together with a statement that the translation is accurate, except that in the case of an oath or declaration filed under § 1.63, the translation may be filed in the Office no later than two months from the date applicant is notified to file the translation.

The declaration is not in a form provided by the USPTO, i.e. USPTO Form PTO/SB/103. Applicant must submit either: (1) a declaration using USPTO Form PTO/SB/103 or (2) a statement that the translation contained in the submitted declaration is accurate.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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